

**REMARKS**

In the Office Action of June 16, 2005, all claims were rejected under § 102(b) as being anticipated by Butt Patent No. 5,362,271. The Butt reference has been carefully considered and amendments have been made to the claims which clearly distinguish the present claims from *Butt*, both under § 102 as well as under § 103. Accordingly, reconsideration is respectfully requested in view of the amendments to the claims and the following comments.

The Butt Patent No. 5,362,271 relates generally to magnetic playthings and discloses dolls or other configurations having outstretched hands or other limbs which are provided with magnets. Although *Butt* discloses that by means of the magnets, each doll can hold its own hands or the hands of another doll, only embodiments in which one doll or object is connected to another doll or object (such as in Figures 7, 8, 18 and 19) are shown. Further, even though *Butt* suggests that one of the dolls can hold its own hands, there is absolutely no disclosure or suggestion that two or more dolls or other objects could be interlinked or interconnected by extending the arms of one doll through a loop formed by the connected arms of a second doll. In fact, such an interconnection would be unrealistic and clearly not suggested by the Butt patent. Further, each of the dolls and other objects shown in *Butt* disclose the arms, etc. as extending outwardly from a central portion in a substantially planar form so that the so-called free ends (the hands of the dolls, etc.) are spaced from one another and do not form a closed loop or any other configuration resembling a loop structure without manually stressing or manipulating the arms, etc. to form the same into a closed loop with the ends adjacent to one another.

In contrast, the structures disclosed in Figures 1-4, 6-8, 10 and 11 of the present invention disclose a substantially closed loop configuration in which forming the loop member is constructed of a material of sufficient stiffness and memory so that it is maintained in such closed loop configuration when the member is unstressed. This is in contrast to the structure of Figure 9 of the present invention in which the tubular member is not maintained in a substantially closed loop configuration when the member is unstressed.

Independent claim 5 has been amended to require the tubular member to be formed in the shape of a closed loop configuration and to be constructed of a material of sufficient stiffness and memory to cause said tubular member to assume and maintain its closed loop configuration when it is unstressed. Further, claim 5 has been amended to require the magnet or material

attracted to a magnet on the free ends to be attracted to one another and to assist in maintaining the tubular member in its closed loop configuration. Thus, independent claim 5 requires a tubular member formed into a closed loop configuration and maintained in such configuration both by the material from which the tubular member is constructed as well as by the magnets on the free ends of the tubular member. This is a significant difference between the toy which is the subject of independent claim 5 and the disclosure in *Butt*. In *Butt*, as described above, the arms of the dolls or the appendages of the other objects extend outwardly from a central area in substantially opposite directions. Thus, they do not form substantially closed loop configurations when they are unstressed nor do they tend to assume such closed loop configuration when they are unstressed. Instead, the arms of the doll must be manually moved or stressed to move the same into a closed loop configuration. In the present invention, according to claim 5, the tubular member is formed into and caused to assume and maintain a closed loop configuration as a result of the material itself, either with or without any magnetic attraction.

Not only is any such structural configuration not disclosed in *Butt*, it would not have been obvious to construct the dolls or other objects of *Butt* in this fashion. To do so, the arms of the dolls would have to be constructed so that in their unstressed position, the hands of the dolls are closed or in engagement with one another. This is not only not shown or disclosed in *Butt*, it would be completely contrary to the teachings and objectives of *Butt*, and thus not obvious.

Independent claim 9 is directed to a toy comprising a plurality of linking loop-type structures and has been amended in a manner similar to that of independent claim 5 by requiring the tubular member to be constructed of material of sufficient stiffness and memory to cause the tubular member to assume and maintain its closed loop configuration when it is unstressed. Further, the magnet or material attracted to a magnet at each of the free ends of a tubular member assists in maintaining the tubular member in its closed loop configuration. Accordingly, independent claim 9 is patentable over *Butt* for the same reasons as discussed above with respect to independent claim 5. Independent claim 9 also requires the plurality of structures to be interconnectable by extending the tubular member of one structure through the closed loop configuration of another structure. This is not shown or described in *Butt*. Accordingly, independent claim 9 is patentable.

Independent claim 14 has been similarly amended as that of independent claims 5 and 9 by requiring the tubular member to be constructed of a material of sufficient stiffness and memory to cause the tubular member to assume and maintain its closed loop configuration when the tubular member is unstressed. Accordingly, for the same reasons as discussed above with respect to claims 5 and 9, claim 14 is allowable.

Independent claim 19 has also been amended to require the second loop to be constructed of material of sufficient stiffness and memory to cause the second loop structure to assume and maintain its closed loop configuration when such loop structure is unstressed. Accordingly, independent claim 19 is patentable for the same reasons as discussed above with respect to independent claims 5, 9 and 14. Further, claim 19 requires a keeper with a plurality of first loop structures and the free ends of the second loop structure to be separable from one another to connect the second loop structure to the first loop structure with the second loop structure extending through the first loop structure. Again, there is absolutely no disclosure or description in *Butt* which suggests interconnecting the dolls or other objects by extending the closed loop of one doll or object through the closed loop of a second doll or object.

Independent claim 21 remains unchanged. This claim is clearly distinguishable from *Butt* as it is currently written. Claim 1 requires a plurality of loop type members which are interconnectable with one another by extending the closed loop configuration of one loop member through the loop of an adjacent closed loop configuration. An example of this is the embodiment shown in Figure 6. Such a structure is not shown or suggested in *Butt*. Accordingly, independent claim 21 is allowable.

Each of the various dependent claims include all of the limitations of their respective independent claims and thus are allowable for the same reasons.

Accordingly, for all of the above reasons and in particular in view of the amendments to the claims, the discussion of the prior art reference and the distinctions between the amended claims and such reference, it is submitted that all of the claims are now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

DORSEY & WHITNEY LLP  
**Customer Number 25763**

Date: Nov. 14, 2005

By: David N. Fronek  
David N. Fronek, Reg. No. 25,678  
Reg. No. 25,678  
Suite 1500  
50 South Sixth Street  
Minneapolis, MN 55402-1498  
(612) 340-2629